

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**The David J. Joseph Company
300 Pike Street
Cincinnati, Ohio 45202**

ATTENTION:

**Chris Bedell
Senior Vice President and General Counsel
Chris.Bedell@djj.com**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring The David J. Joseph Company (DJJ or you) to submit certain information about its facilities. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

DJJ owns and operates emission sources at several different locations in the United States. We are requesting this information to determine whether your emission sources are complying with the CAA and state implementation plans.

At this time, EPA Region 5 is not accepting any hard-copy document deliveries. If possible, we ask DJJ to upload all required information to the secured web-link shared with you at the time you received this request. If you did not receive a web-link, or if you are having

technical difficulties, you must contact Shilpa Patel at patel.shilpa@epa.gov or 312-886-0120 to make arrangements to submit your response.

DJJ must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject DJJ to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Shilpa Patel at 312-886-0120 or patel.shilpa@epa.gov.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission to the secure web-link provided by EPA.
4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
5. Please submit documents claimed as confidential business information (CBI) in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, 40 C.F.R. Part 82, Subpart F, or state implementation plans.

Appendix B

Information You Are Required to Submit to EPA

DJJ must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) in accordance with the schedule specified below for all its metal recycling facilities located in the United States:

Provide the responses to the following requests no later than 30 days after receipt of this letter.

1. Shredding Operations:

- a. In an **electronic, unlocked spreadsheet**, list the following information for each metal shredding operation and its associated processes, including the metals separation process, that DJJ, its subsidiaries, and/or its affiliates currently own and/or operate:
 - i. Facility name;
 - ii. Facility address;
 - iii. The owner(s) and operator(s) of each facility. Include the full company name, type of legal structure (individual, partnership, corporation, limited liability corporation (LLC), limited liability partnership (LLP), association, or other legal entity), the State of incorporation (if any), assumed business name(s), and names of all corporate officers, partners, members, and/or registered agents;
 - iv. The number of employees who work at the facility;
 - v. The NAICS codes for the type of work conducted at the facility;
 - vi. Whether the facility accepts small appliances, as defined by 40 C.F.R. § 82.152;
 - vii. Whether the facility accepts motor vehicles, motor vehicle air conditioners (MVACs) or MVAC-like appliances, as those terms are defined by 40 C.F.R. § 82.152;
 - viii. Date construction commenced for each metal shredding operation and its associated processes, including the metals separation process;
 - ix. Date commercial operation began for each metal shredding operation and its associated processes, including the metals separation process;
 - x. Date each metal shredding operation and its associated processes, including the metals separation process, were removed from service (if applicable);
 - xi. Maximum conveyor speed and width for each metal shredding operation;
 - xii. Brake horsepower of each engine, including for any spare engines, for each metal shredding operation;
 - xiii. Fuel type for each engine;

- xiv. Manufacturer of each metal shredding operation;
- xv. Maximum processing capacity, in short tons per hour;
- xvi. Associated air pollution control equipment;
- xvii. Whether non-ferrous metal separation occurs;
- xviii. The approximate percentage of shredded materials that are motor vehicles, MVACs or MVAC-like appliances; and
- xix. Any other emissions controls or upgrades not listed above (or emissions controls planned for installation in the next two years), the date those controls commenced operation (or are projected to commence operation), and the design outlet emissions rate for particulate matter, volatile organic compounds (VOCs), or metals and removal efficiency specifications and guarantees for those controls and upgrades.

b. In a **separate electronic, unlocked spreadsheet**, provide the following information for each metal shredding operation and metal separation operation that DJJ owned and/or operated in the last five years:

- i. Facility name;
- ii. Facility address;
- iii. Daily total shredder throughput in short tons;
- iv. Daily shredder throughput of light iron (ferrous) in short tons;
- v. Daily shredder throughput of non-ferrous metal in short tons;
- vi. Daily shredder throughput of motor vehicles, MVACs or MVAC-like appliances in short tons;
- vii. Daily number of hours the metal shredding operation was operated;
- viii. Daily metal separation throughput in short tons;
- ix. Daily number of hours the metal separation was operated.

c. If any metal shredding operation uses mist eliminators, provide all records of water used, in gallons per month, from the past five years for each metal shredding operation. Organize records by shredding operation.

d. Provide records of all explosions, flame events, and energy releases that occurred at any shredding operation in the past five years. Organize records by shredding operation.

2. Scrap Yard Operations:

a. In a **separate electronic, unlocked spreadsheet**, provide the following information for each scrap yard that DJJ, its subsidiaries and/or affiliates currently own and/or operate:

- i. Facility name;
- ii. Facility address;

- iii. The owner(s) and operator(s) of each facility. Include the full company name, type of legal structure (individual, partnership, corporation, limited liability corporation (LLC), limited liability partnership (LLP), association, or other legal entity), the State of incorporation (if any), assumed business name(s), and names of all corporate officers, partners, members, and/or registered agents;
 - iv. The number of employees who work at the facility;
 - v. The NAICS codes for the type of work conducted at the facility;
 - vi. Whether the scrap yard accepts motor vehicles, MVACs or MVAC-like appliances, as defined by 40 C.F.R. § 82.152;
 - vii. Whether the scrap yard accepts small appliances, as defined by 40 C.F.R. § 82.152;
 - viii. Whether the scrap yard accepts refrigeration components;
 - ix. The number of motor vehicles, MVACs or MVAC-like appliances the scrap yard accepted for each of the last five years;
 - x. Whether the scrap yard recovers refrigerant from MVACs or MVAC-like appliances after delivery to DJJ;
 - xi. Whether the scrap yard retains a third party to recover refrigerant from MVACs or MVAC-like appliances after delivery to DJJ;
 - xii. Date the scrap yard or third party began recovering refrigerant from MVACs or MVAC-like appliances (if applicable);
 - xiii. Date the scrap yard or third party ceased recovering refrigerant from MVACs or MVAC-like appliances (if applicable);
 - xiv. Number of small appliances the scrap yard has accepted for each of the last five years;
 - xv. Whether the scrap yard recovers refrigerant from small appliances;
 - xvi. Whether the scrap yard retains a third party to recover refrigerant from small appliances after delivery to DJJ;
 - xvii. Date the scrap yard or third party began recovering refrigerant from small appliances (if applicable).
 - xviii. Date the scrap yard or third party ceased recovering refrigerant from small appliances (if applicable).
- b. Provide the following information for each scrap yard that DJJ, its subsidiaries and/or affiliates currently own and/or operate:
- i. For your response to Question 2.a.ix, explain how you determined the number of motor vehicles, MVACs or MVAC-like appliances each scrap yard accepted for each of the last five years.
 - ii. For each individual transaction involving MVACs or MVAC-like appliances that took place between June 1, 2019 and November 31, 2019 at each scrap yard, provide any supporting records, such as copies

- of car titles and all other associated paperwork. If no such record exists, explain why not.
- iii. For each scrap yard that recovers refrigerant as stated in response to Question 2.a.x. from MVACs or MVAC-like appliances, provide a copy of the manifest records showing the proper disposal of the recovered refrigerant for the last five years.
 - iv. For MVACs or MVAC-like appliances delivered to DJJ no longer containing refrigerant, provide the following for each scrap yard:
 - a. Copies of each signed statement that all refrigerant has been recovered from the appliance or shipment of appliances, pursuant to 40 C.F.R. § 82.155(b)(2), for the month of October 2019; and
 - b. Copies of all signed contracts stating that the supplier will recover any remaining refrigerant from the appliance or shipment of appliances, pursuant to 40 C.F.R. § 82.155(b)(2), that were effective in 2019.
 - v. For each scrap yard that recovers refrigerant using a third party as stated in response to Question 2.a.xi or Question 2.a.xvi, provide the name and business address for all third parties.
 - vi. For your response to Question 2.a.xiv., explain how you determined the number of small appliances the scrap yard has accepted for each of the last five years.
 - vii. For each individual transaction involving small appliances that took place between June 1, 2019 and November 31, 2019 at each scrap yard, provide any supporting records of the transactions. If no such record exists, explain why not.
 - viii. For small appliances delivered to DJJ no longer containing refrigerant, provide the following for each scrap yard:
 - a. Copies of each signed statement that all refrigerant has been recovered from the appliance or shipment of appliances, pursuant to 40 C.F.R. § 82.155(b)(2), for the month of October 2019; and
 - b. Copies of all signed contracts stating that the supplier will recover any remaining refrigerant from the appliance or shipment of appliances, pursuant to 40 C.F.R. § 82.155(b)(2), that were effective in 2019.
 - ix. For each scrap yard that recovers refrigerant from small appliances identified in response to Question 2.a.xv, provide a copy of the manifest records showing the proper disposal of the recovered refrigerant for the last five years.

Provide responses to the following requests no later than 60 days after receipt of this letter.

3. For each location identified in response to Request 2:
 - a. Provide a written explanation detailing how the location drains or removes fluids other than refrigerant (for example, oils, fuels, and anti-freeze) from motor vehicles before shredding or crushing the vehicle or shipping it elsewhere for processing;
 - b. Provide copies of any standard operating procedures, employee training materials, presentations, training schedules, or any other documents outlining this process; and
 - c. Provide all current contracts or written agreements with upstream suppliers (including the general public) regarding DJJ's acceptance of motor vehicles.
4. For each facility listed below, provide a sample copy of the "scrap acceptance agreement" used at the time of the inspection. Also include sample copies of any previous versions DJJ used before the inspection or revised versions DJJ used after the inspection at these facilities in the past five years. Each copy should clearly indicate the date range during which that version was used.
 - a. Texas Port Recycling, Houston, Texas inspected on November 8, 2018
 - b. River Metal Recycling, Cincinnati, Ohio inspected on March 20, 2019
 - c. River Metal Recycling, Greenburg, Indiana inspected on March 19, 2019
 - d. River Metal Recycling Newport, Kentucky inspected on March 20, 2019
 - e. River Metal Louisville, Kentucky inspected on November 8, 2018
 - f. Trademark Metal Recycling, Clearwater, Florida inspected on March 6, 2019
 - g. Trademark Metal Recycling, Port Sutton Rd, Tampa, Florida on March 4, 2019
 - h. Trademark Metal Recycling, Pinellas Park, Florida on March 4, 2019
 - i. Trademark Metal Recycling, Dover St, Tampa, Florida on March 4, 2019
 - j. Trademark Metal Recycling, Sarasota, Florida on March 5, 2019
 - k. Trademark Metal Recycling, Punta Gorda, Florida on March 5, 2019.
5. If any facility identified in response to Request 1 operates any stationary internal combustion engines (for example, units that provide mechanical power to shredders or conveyors, units that provide primary electrical power, or emergency generators), explain how each stationary internal combustion engine is used and provide the following details about each engine:
 - a. Manufacture and model number;
 - b. Year of manufacture;
 - c. Year of purchase;
 - d. Year of installation;
 - e. Ignition type (for example, spark or compression);
 - f. Type and quantity of fuels burned;
 - g. Maximum capacity output (in horsepower and kilowatt); and
 - h. The number of hours of operation per year from January 1, 2015 to the present.

6. Provide a copy of all air construction permits, installation permits, and operating permits issued by any permitting authority (federal, state, and local), including associated permit applications, for each facility identified in response to Request 1.
7. Provide a detailed explanation of the scheduled maintenance and shutdowns for the metal shredding operations and metal separation processes, if any, for each facility identified in response to Request 1. Include all associated documentation, copies of standard operation procedures, and any other documents relating to scheduled maintenance or shutdowns.
8. Provide all documents that support the basis of DJJ's reported shredder VOC emissions from DJJ's shredding operations. Include stack tests, emissions calculations, applicability studies, and related correspondence.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114f the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may send you a letter asking that you support your CBI claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent

allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.